

COC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 AUG 27 AM 9:51

UNITED STATES OF AMERICA,

Plaintiff,

v.

Javier VASQUEZ-Gutierrez
AKA: Raul VASQUEZ

Defendant.

Magistrate Case No.

'08 MJ 2636

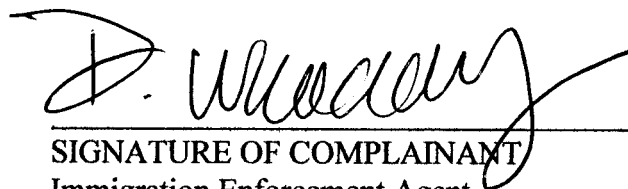
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **August 9, 2008**, within the Southern District of California, defendant, **Javier VASQUEZ-Gutierrez** (AKA: Raul VASQUEZ) an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **AUGUST 2008**.



UNITED STATES MAGISTRATE JUDGE

8/26/08 J

cc

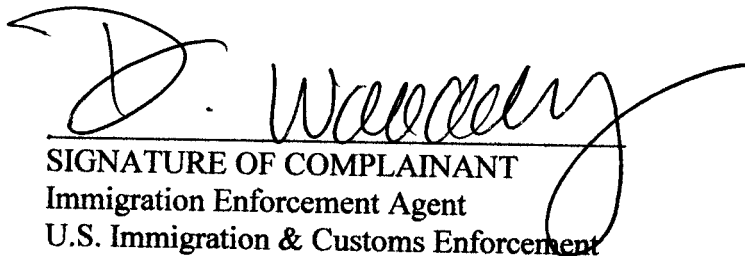
PROBABLE CAUSE STATEMENT

On August 9, 2008, the defendant identified as, **Javier VASQUEZ-Gutierrez** (AKA: Raul VASQUEZ), was arrested by Escondido Police Department in Escondido, California, for violation of California Penal Code 496 (a)/17B4 "Receiving Known Stolen Property" and booked into the County Jail. While in the custody of county jail, an Immigration Agent determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from custody.

On August 26, 2008 the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE), Field Office in San Diego, California. An Immigration Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant **Javier VASQUEZ-Gutierrez** (AKA: Raul VASQUEZ), has been ordered removed from the United States by an Immigration Judge on or about September 19, 2005 and removed to Mexico. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint Identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, **Javier VASQUEZ-Gutierrez** (AKA: Raul VASQUEZ), a citizen and national of Mexico.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF AUGUST 2008.


UNITED STATES MAGISTRATE JUDGE